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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26793-2022
Date of Decision: 06.07.2022

Sarabjit Kaur

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arshdeep Singh, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 19 dated 30.01.2021, under Sections 302, 201, 34, 120-B IPC, registered at Police Station Kotwali Nabha, District Patiala, Punjab.

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of about 30 years and she is in custody from 08.02.2021 which is about 1 year and 5 months. He further submitted that the material witnesses in the present case have already been examined including that of one of the eye-witness who has turned hostile. He further submitted that the allegations in the present case were that the husband of the petitioner had died and the FIR was lodged on the basis of the complaint made by father of the petitioner himself and thereafter, the name of the

petitioner has been nominated alongwith other co-accused on the ground that the petitioner alongwith the other co-accused namely Harjit Singh who was allegedly the paramour of the petitioner alongwith the other co-accused namely, Harbalbir Singh have conspired to kill the deceased who is the husband of the petitioner. Learned counsel further submitted that the entire allegations were based upon the circumstantial evidence and only on the basis of one statement made by the eye-witness namely Chetan Dhiman and when the aforesaid Chetan Dhiman was examined, he did not support the prosecution version and was declared hostile. He further submitted that all the material witnesses have been examined in the present case and the entire case is based upon the last seen theory and circumstantial evidence. He further submitted that the other co-accused namely Harjit Singh and Harbalbir Singh have been extended the benefit of regular bail. The aforesaid Harjit Singh was granted regular bail by this Court on 11.05.2022. He further submitted that the petitioner is not involved in any other case and has clean antecedents and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand. Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 08.02.2021 which is about 1 year and 5 months and all the material witnesses have been examined including one of the eye-witness namely Chetan Dhiman who did not support the prosecution version. He further submitted that the other co-accused namely, Harjit Singh Harbalbir Singh have already been extended the benefit of regular bail.

I have heard the learned counsel for the parties.

The petitioner who is a lady of the age of 30 years has faced

incarceration for about 1 year and 5 months. The other co-accused have been granted regular bail. The petitioner is not involved in any other case and has got clean antecedents as per the learned counsel for the parties. All the material witnesses have been examined as per the learned counsel for the parties including the one eye-witness who is stated to have not supported the prosecution version.

In view of the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

06.07.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No